

# SENATE BILL 161

P5  
SB 364/06 – EHE

CONSTITUTIONAL AMENDMENT

2lr0636

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By: **Senators Brochin, Colburn, and Kittleman**

Introduced and read first time: January 19, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Legislative Districting**

3 FOR the purpose of amending the Maryland Constitution to provide a process for the  
4 establishment of legislative districts for the electing of members of the  
5 Maryland General Assembly; establishing criteria to be used in creating  
6 legislative districts; directing the staff agency of the General Assembly to  
7 prepare certain legislative districting plans at certain times; directing that  
8 public hearings be held at certain times for certain purposes; directing the staff  
9 agency to hold certain hearings; establishing the process by which the General  
10 Assembly shall consider and act on legislative districting legislation; providing  
11 for the creation of a temporary redistricting advisory commission; providing for  
12 the membership of the commission and the qualifications of its members;  
13 providing for the functions of the temporary redistricting advisory commission;  
14 generally relating to the establishment of districts for the election of members of  
15 the Maryland General Assembly; and submitting this amendment to the  
16 qualified voters of the State for their adoption or rejection.

17 BY proposing an amendment to the Maryland Constitution  
18 Article III – Legislative Department  
19 Section 4 and 5

20 BY proposing an addition to the Maryland Constitution  
21 Article III – Legislative Department  
22 Section 5A

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
25 concurring), That it be proposed that the Maryland Constitution read as follows:

26 **Article III – Legislative Department**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4.

2 (A) Each legislative district shall consist of adjoining territory, be compact in  
3 form, and of substantially equal population. [Due] WHERE PRACTICABLE, DUE  
4 regard shall be given to natural boundaries and the boundaries of political  
5 subdivisions, COMMUNITIES OF INTEREST, AND INFORMATION RECEIVED FROM  
6 CITIZENS DURING PUBLIC HEARINGS.

7 (B) NO LEGISLATIVE DISTRICT SHALL BE DRAWN FOR THE PURPOSE OF  
8 FAVORING A POLITICAL PARTY, INCUMBENT LEGISLATOR OR MEMBER OF  
9 CONGRESS, OR OTHER PERSON OR GROUP, OR FOR THE PURPOSE OF  
10 AUGMENTING OR DILUTING THE VOTING STRENGTH OF A LANGUAGE OR RACIAL  
11 MINORITY GROUP. IN ESTABLISHING DISTRICTS, NO USE SHALL BE MADE OF  
12 ADDRESSES OF INCUMBENT LEGISLATORS, POLITICAL AFFILIATIONS OF  
13 REGISTERED VOTERS, PREVIOUS ELECTION RESULTS, AND DEMOGRAPHIC  
14 INFORMATION, OTHER THAN POPULATION HEAD COUNTS, EXCEPT AS REQUIRED  
15 BY THE UNITED STATES CONSTITUTION OR THE LAWS OF THE UNITED STATES.

16 (C) AREAS THAT MEET ONLY AT THE POINTS OF ADJOINING CORNERS  
17 MAY NOT BE CONSIDERED TO BE ADJOINING TERRITORY.

18 5.

19 (A) Following each decennial census of the United States and after TWO  
20 ROUNDS OF public hearings TO BE HELD IN DIFFERENT GEOGRAPHIC REGIONS  
21 OF THE STATE, [the Governor] THE STAFF AGENCY OF THE GENERAL ASSEMBLY  
22 shall prepare a plan setting forth the boundaries of the legislative districts for electing  
23 of the members of the Senate and the House of Delegates.

24 (B) [The Governor] THE STAFF AGENCY shall present the plan to the  
25 President of the Senate and Speaker of the House of Delegates who shall introduce the  
26 [Governor's] plan as a joint resolution to the General Assembly, not later than the  
27 first day of its regular session in the second year following every census[, and the  
28 Governor may call a special session for the presentation of his plan prior to the regular  
29 session]. The plan shall conform to Sections 2, 3 and 4 of this Article. [Following each  
30 decennial census the General Assembly may by joint resolution adopt a plan setting  
31 forth the boundaries of the legislative districts for the election of members of the  
32 Senate and the House of Delegates, which plan shall conform to Sections 2, 3 and 4 of  
33 this Article. If a plan has been adopted by the General Assembly by the 45th day after  
34 the opening of the regular session of the General Assembly in the second year  
35 following every census, the plan adopted by the General Assembly shall become law. If  
36 no plan has been adopted by the General Assembly for these purposes by the 45th day  
37 after the opening of the regular session of the General Assembly in the second year  
38 following every census, the Governor's plan presented to the General Assembly shall  
39 become law.]

1           **(C) THE SENATE AND THE HOUSE OF DELEGATES SHALL CONSIDER**  
2 **THE JOINT RESOLUTION ON SECOND READING AS A COMMITTEE OF THE WHOLE**  
3 **AND BRING THE BILL TO A FINAL VOTE BY THE 22ND DAY OF THE REGULAR**  
4 **SESSION. AFTER A VOTE IN EACH HOUSE, IF THE JOINT RESOLUTION FAILS TO**  
5 **BE APPROVED BY A CONSTITUTIONAL MAJORITY IN EITHER HOUSE, THE**  
6 **SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE HOUSE, AS THE**  
7 **CASE MAY BE, SHALL IMMEDIATELY PROVIDE THE STAFF AGENCY ANY**  
8 **INFORMATION AS DIRECTED BY THEIR RESPECTIVE CHAMBERS REGARDING THE**  
9 **REASONS WHY THE PLAN WAS NOT APPROVED. THE STAFF AGENCY SHALL**  
10 **IMMEDIATELY PREPARE A JOINT RESOLUTION EMBODYING A SECOND PLAN**  
11 **SETTING FORTH THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS, TAKING**  
12 **INTO ACCOUNT THE REASONS CITED BY THE SENATE OR THE HOUSE OF**  
13 **DELEGATES FOR THE FAILURE OF THE FIRST PLAN INsofar AS IT IS**  
14 **PRACTICABLE TO DO SO WITHIN THE REQUIREMENTS OF SECTIONS 2, 3, AND 4**  
15 **OF THIS ARTICLE. THE STAFF AGENCY SHALL PRESENT THE SECOND JOINT**  
16 **RESOLUTION TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE**  
17 **HOUSE OF DELEGATES WHO SHALL INTRODUCE IT IN THEIR RESPECTIVE**  
18 **CHAMBERS BY THE 31ST DAY OF THE REGULAR SESSION.**

19           **(D) THE SENATE AND HOUSE OF DELEGATES EACH SHALL CONSIDER**  
20 **THE SECOND JOINT RESOLUTION ON SECOND READING AS A COMMITTEE OF THE**  
21 **WHOLE AND BRING THE BILL TO A FINAL VOTE BY THE 45TH DAY OF THE**  
22 **REGULAR SESSION. AFTER A VOTE IN EACH HOUSE, IF THE SECOND JOINT**  
23 **RESOLUTION FAILS TO BE APPROVED BY A CONSTITUTIONAL MAJORITY IN**  
24 **EITHER HOUSE, THE SECRETARY OF THE SENATE OR THE CLERK OF THE**  
25 **HOUSE, AS THE CASE MAY BE, SHALL IMMEDIATELY PROVIDE THE STAFF**  
26 **AGENCY ANY INFORMATION AS DIRECTED BY THEIR RESPECTIVE CHAMBERS**  
27 **REGARDING THE REASONS WHY THE PLAN WAS NOT APPROVED. THE STAFF**  
28 **AGENCY SHALL IMMEDIATELY PREPARE A JOINT RESOLUTION EMBODYING A**  
29 **THIRD PLAN SETTING FORTH THE BOUNDARIES OF THE LEGISLATIVE**  
30 **DISTRICTS, TAKING INTO ACCOUNT THE REASONS CITED BY THE SENATE OR**  
31 **THE HOUSE OF DELEGATES FOR THE FAILURE OF THE SECOND JOINT**  
32 **RESOLUTION INsofar AS IT IS PRACTICABLE TO DO SO WITHIN THE**  
33 **REQUIREMENTS OF SECTIONS 2, 3, AND 4 OF THIS ARTICLE. THE THIRD JOINT**  
34 **RESOLUTION SHALL BE PRESENTED TO THE PRESIDENT OF THE SENATE AND**  
35 **THE SPEAKER OF THE HOUSE OF DELEGATES WHO SHALL INTRODUCE IT IN**  
36 **THEIR RESPECTIVE CHAMBERS BY THE 50TH DAY OF THE REGULAR SESSION.**  
37 **THE THIRD JOINT RESOLUTION MAY BE SUBJECT TO AMENDMENT; HOWEVER,**  
38 **THE AMENDMENTS SHALL CONFORM TO THE REQUIREMENTS OF SECTION 4 OF**  
39 **THIS ARTICLE AND TO ANY DIRECTION PROVIDED BY THE TEMPORARY**  
40 **REDISTRICTING ADVISORY COMMISSION.**

1           **(E) IF THE GENERAL ASSEMBLY FAILS TO PASS THE THIRD JOINT**  
2 **RESOLUTION BY THE 66TH DAY OF THE REGULAR SESSION, THE THIRD JOINT**  
3 **RESOLUTION AS PRESENTED TO THE PRESIDENT OF THE SENATE AND THE**  
4 **SPEAKER OF THE HOUSE OF DELEGATES SHALL TAKE EFFECT.**

5           **(F) Upon petition of any registered voter, the Court of Appeals shall have**  
6 **original jurisdiction to review the legislative districting of the State and may grant**  
7 **appropriate relief, if it finds that the districting of the State is not consistent with**  
8 **requirements of either the Constitution of the United States of America, or the**  
9 **Constitution of Maryland.**

10 **5A.**

11           **(A) A TEMPORARY REDISTRICTING ADVISORY COMMISSION SHALL BE**  
12 **APPOINTED NOT LATER THAN FEBRUARY 1 OF THE FIRST YEAR FOLLOWING THE**  
13 **DECENNIAL UNITED STATES CENSUS. THE COMMISSION SHALL CONSIST OF**  
14 **NINE MEMBERS.**

15           **(B) THE GOVERNOR SHALL APPOINT FOUR PERSONS, AND THE**  
16 **PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES**  
17 **SHALL EACH APPOINT TWO PERSONS TO SERVE ON THE COMMISSION.**  
18 **COMMISSION MEMBERSHIP SHALL REFLECT THE GEOGRAPHICAL, GENDER,**  
19 **AND ETHNIC DIVERSITY OF THE MARYLAND POPULATION, AND AT LEAST THREE**  
20 **MEMBERS OF THE COMMISSION SHALL BE MEMBERS OF THE DOMINANT**  
21 **MINORITY PARTY. THE NINTH MEMBER OF THE COMMISSION SHALL BE**  
22 **APPOINTED NOT LATER THAN MARCH 1 OF THE FIRST YEAR FOLLOWING THE**  
23 **DECENNIAL UNITED STATES CENSUS BY A VOTE OF NOT LESS THAN FIVE OF**  
24 **THE EIGHT APPOINTED COMMISSIONERS AND SHALL SERVE AS CHAIR OF THE**  
25 **COMMISSION. IN THE EVENT THE COMMISSION IS UNABLE TO SELECT THE**  
26 **NINTH MEMBER, THE GOVERNOR SHALL MAKE THE APPOINTMENT. A PERSON**  
27 **MAY NOT BE APPOINTED TO, NOR SERVE ON, THE COMMISSION IF THE PERSON**  
28 **HOLDS AN ELECTIVE OR APPOINTIVE OFFICE IN THE EXECUTIVE OR**  
29 **LEGISLATIVE BRANCH OF THE FEDERAL OR STATE GOVERNMENT OR A LOCAL**  
30 **GOVERNMENT, OR A POLITICAL PARTY OFFICE, OR IS A REGISTERED LOBBYIST,**  
31 **OR IS A RELATIVE, BY BLOOD OR MARRIAGE, OF OR IS EMPLOYED BY A PERSON**  
32 **WHO HOLDS AN ELECTIVE OR APPOINTIVE OFFICE IN THE EXECUTIVE OR**  
33 **LEGISLATIVE BRANCH OF THE FEDERAL OR STATE GOVERNMENT OR A LOCAL**  
34 **GOVERNMENT, OR A POLITICAL PARTY OFFICE, OR A REGISTERED LOBBYIST. A**  
35 **MEMBER OF THE COMMISSION, OR A RELATIVE OF A MEMBER OF THE**  
36 **COMMISSION, MAY NOT HOLD A STATE OR FEDERAL ELECTIVE OR APPOINTIVE**  
37 **OFFICE, OR BE A REGISTERED LOBBYIST, FOR A PERIOD OF 3 YEARS AFTER**  
38 **SERVING ON THE COMMISSION.**

39           **(C) THE COMMISSION SHALL:**

1           **(1) DETERMINE THE LOCATION OF PUBLIC HEARINGS TO BE**  
2 **CONDUCTED BY THE COMMISSION TO RECEIVE PUBLIC INPUT FOR PREPARING A**  
3 **PLAN SETTING FORTH THE BOUNDARIES OF THE LEGISLATIVE DISTRICTS FOR**  
4 **ELECTING THE MEMBERS OF THE SENATE AND THE HOUSE OF DELEGATES AND**  
5 **TO RECEIVE COMMENTS ON A PRELIMINARY DISTRICTING PLAN DEVELOPED BY**  
6 **THE STAFF AGENCY OF THE GENERAL ASSEMBLY; AND**

7           **(2) ON RECEIVING A WRITTEN REQUEST FROM THE STAFF**  
8 **AGENCY, PROVIDE DIRECTION TO THE STAFF AGENCY ON ANY ISSUE FOR WHICH**  
9 **THERE IS NO CLEAR APPLICABLE GUIDELINE FOR THE REQUIREMENTS OF A**  
10 **DISTRICTING PLAN AS PROVIDED IN SECTIONS 2, 3, AND 4 OF THIS ARTICLE.**

11           **(D) ON THE TAKING EFFECT OF A LEGISLATIVE DISTRICTING PLAN, THE**  
12 **TEMPORARY REDISTRICTING ADVISORY COMMISSION SHALL BE TERMINATED.**

13           SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
14 determines that the amendment to the Maryland Constitution proposed by this Act  
15 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the  
16 Maryland Constitution concerning local approval of constitutional amendments do not  
17 apply.

18           SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
19 proposed as an amendment to the Maryland Constitution shall be submitted to the  
20 qualified voters of the State at the next general election to be held in November, 2012  
21 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.  
22 At that general election, the vote on this proposed amendment to the Constitution  
23 shall be by ballot, and upon each ballot there shall be printed the words "For the  
24 Constitutional Amendment" and "Against the Constitutional Amendment," as now  
25 provided by law. Immediately after the election, all returns shall be made to the  
26 Governor of the vote for and against the proposed amendment, as directed by Article  
27 XIV of the Maryland Constitution, and further proceedings had in accordance with  
28 Article XIV.